

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re Petition of Jaime Davidson,  
seeking an Order directing  
FCI Williamsburg, Salters, SC,  
to Permit a Polygraph Examination of Jaime Davidson  
by Polygraphist Robert Drdak.  
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PETITION

\_\_\_\_\_ Misc. \_\_\_\_\_

20 MISC 0147

This Petition respectfully requests that the District Court So Order the attached proposed Order directing that Williamsburg Federal Correctional Institution (FCI Williamsburg) located in Salters, South Carolina, permit a polygraph examination of inmate Jaime Davidson, number 37593-053, to be conducted by retired FBI polygraphist Robert Drdak. This Petition respectfully requests that the Order direct that the polygraph test be conducted before March 30, 2020.

Undersigned counsel has been representing Jaime Davidson, *pro bono* for over a decade. Counsel has engaged Mr. Drdak to conduct the polygraph examination. He is highly regarded in the polygraph community; is retired from the FBI where he conducted hundreds of polygraph examinations for the government; and is licensed to do so in South Carolina. His *curriculum vitae* is annexed to this Petition.

Undersigned counsel is in the process of preparing a clemency petition for Jaime Davidson. Mr. Davidson's prior attempts to obtain relief through the courts have been unsuccessful. Mr. Davidson has been incarcerated since 1992; 28 years for a crime that the evidence now shows he did not commit. As part of the clemency application, and counsel's related efforts on his behalf, the polygraph examination is very important.

WHEREFORE, it is respectfully requested that the Petition be granted and the proposed Order be entered by this Court directing FCI Williamsburg to permit the polygraph examination of inmate Jaime Davidson by polygraphist Robert Drdak on a date before the end of March, 2020.

Dated: March 10, 2020  
New York, New York

Respectfully submitted,



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AFFIRMATION

Bettina Schein, an attorney duly admitted to practice law in the State of New York since 1987, and before this Court, affirms under penalties of perjury as follows:

1. I am an attorney with offices located at 565 Fifth Avenue, New York, New York, 10017. I represent, *pro bono*, Jaime Davidson, an inmate (#37593-053) serving a life sentence in FCI Williamsburg, 8301 Highway 521, Salters, SC 29590. This application is for an Order directing that FCI Williamsburg permit Mr. Davidson to take a polygraph examination with licensed and highly qualified polygraphist, Robert Drdak, who has been engaged by my office. (Mr. Drdak's *curriculum vitae* is annexed to this Application) I have been in close contact with officials at FCI Williamsburg and they have advised that an Order is necessary for them to permit the polygraph to proceed. I am fully familiar with the facts and circumstances discussed herein.

2. This Application, and the information it contains, is part of *pro bono* counsel's ongoing efforts to seek clemency for Mr. Davidson.

3. Mr. Davidson was convicted in federal court in Syracuse in 1993 for a murder and cocaine conspiracy that he neither participated in nor had anything to do with, and has thus far served 28 years in prison.

4. The most critical factual issue at trial was whether Mr. Davidson was in Syracuse at Gwendolyn Morrow's apartment on Tuesday morning, October 30, 1990, the morning of the



crime. It was there that certain young men met and plotted the afternoon drug deal that went awry and resulted in the murder of undercover police officer Wallie Howard. Certain trial witnesses claimed that Mr. Davidson was present in an apartment with these young men when the plan was discussed. Years later, when they were no longer in their teens, some of these trial witnesses recanted and have acknowledged that their trial testimony implicating Mr. Davidson was false. In fact, as abundant evidence, including old (and new) witnesses, and a police investigation conducted in 1990 shows, Mr. Davidson was in New York City on October 30, 1990 and had been so for over a week.

5. Nonetheless, at the trial in 1993, witnesses (who have now recanted) said that he was in Syracuse on October 30, 1990 and was present for and participated in the planned drug deal. That testimony, we now can prove, was false. But at the trial in 1993, the federal prosecutor opened on it; witnesses falsely testified about it; and the prosecutor argued in his summation that Mr. Davidson was in Syracuse on the morning of October 30<sup>th</sup>; that he plotted the drug robbery with co-defendants; and that he provided a weapon. None of this was true.

6. Mr. Davidson's various appeals and petitions have thus far been unsuccessful. However, as the years have passed, witnesses to these events have come forward to say the truth - Mr. Davidson is innocent; that he was not in Syracuse; that he did not supply cocaine; and that they testified falsely at trial and swore out false affidavits written for them 30 years ago by the authorities. These witnesses are corroborated by family members and others who were interviewed by the Syracuse police in 1990.

7. Specifically, to date, two critical witnesses, both of whom testified at trial that Mr. Davidson was in Syracuse on October 30, 1990, and that he participated in the planned drug deal, have fully recanted via sworn affidavit. They were mere teenagers at the time and were

scared for their lives and futures. Their exculpatory information is fully corroborated by other facts and by witnesses who were with Mr. Davidson in New York City on October 30, 1990.

8. But counsel's efforts are not just about showing Mr. Davidson's location on that date, which was the critical fact for the jury, but also, on rebutting the claim at trial that Mr. Davidson supplied cocaine as part of the drug conspiracy.

9. Undersigned counsel is seeking clemency. As part of that process, counsel has been in close contact with officials at FCI Williamsburg to schedule a polygraph examination of Mr. Davidson. I have been advised that the institution requests a Court Order in order to permit it to proceed. I have already discussed potential dates and times with the institution.

10. For all of these reasons, undersigned counsel respectfully requests that this Court Order that FCI Williamsburg permit Mr. Jaime Davidson, inmate number 37593-053, to be examined by polygraphist Robert Drdak at a date and time to be determined by the parties. A proposed Order is attached to this Petition.

WHEREFORE, the requested relief should be granted in its entirety.

Dated: New York, New York  
March 10, 2020

  
Bettina Schein



**Robert J. Drdak**

rdrdak@gmail.com

704-968-0203

Retired Special Agent  
Federal Bureau of  
Investigation

Former Chief of FBI Polygraph  
Program in North Carolina

Over 27 Years Polygraph  
Experience

Extensive Experience in  
Sensitive / High Profile Cases

Well Known and Respected  
by Legal, Judicial, and Law  
Enforcement Communities

National Reputation

Impeccable Credentials

Respected Polygraph  
Educator

State of the Art Equipment

Validated Testing Procedures

Licensed in North & South  
Carolina

Member:

American Polygraph  
Association

American Association of  
Police Polygraphists  
(Certified)

American Association of  
Testing Materials

North Carolina Polygraph  
Association (Past President)

South Carolina Association of  
Polygraph Examiners (Charter  
Member)

Society of Former Special  
Agents of the Federal Bureau  
of Investigation

**Post Office Box 7366  
Charlotte, North Carolina  
28241**

Robert J. Drdak has over 47 years of law enforcement and related experience. He was appointed by J. Edgar Hoover as a Special Agent of the Federal Bureau of Investigation (FBI) and served in that capacity for almost 28 years before retiring in December 1999. During his FBI service, Mr. Drdak was instrumental in the management, investigation, and prosecutions of major high profile cases throughout the United States. He has extensive experience in a broad spectrum of criminal investigations ranging from the most violent street crimes to the most sophisticated criminal organizations involved in white color crime and public corruption. He has had firsthand experience in highly classified national security matters. He served as the Behavioral Science / Criminal Profiling Coordinator and manager of the Criminal Informant Program for the Charlotte Division of the FBI. From 1988 until he retired, Mr. Drdak was the senior examiner and manager of FBI polygraph operations in North Carolina. He has received numerous awards and commendations from various Directors of the FBI.

Mr. Drdak is a 1968 graduate of Wake Forest University. His polygraph related experience is extensive. He graduated from the Department of Defense Polygraph Institute (currently named the National Center for Credibility Assessment –NCCA) in 1988 and the University of Virginia /FBI course in Advanced Polygraph Science in 1990. NCCA is considered the finest polygraph education facility in the world. He has received over 2500 hours of basic and advanced instruction in polygraph and related investigative disciplines. He is a qualified expert witness in state and federal courts. Since his retirement from the FBI, he has served as an instructor at NCCA and an adjunct instructor. He has been a visiting instructor at the NE CTC Polygraph School and has presented blocks of instruction at national and state training seminars. Mr. Drdak authored several published articles on polygraph as well as advanced instructional material.

Since his retirement from the FBI, Mr. Drdak has performed polygraph related services for the FBI, the Federal Bureau of Prisons, the Department of Energy Office of Counterintelligence, the Department of Defense, the United States District Court, and numerous local law enforcement agencies. He is well known and respected by the judicial, legal and law enforcement communities. During his polygraph career he has conducted in excess of 5000 polygraph examinations, many in sensitive high profile cases including the Duke University Lacrosse case, the two largest armored car thefts in US history, the Eric Rudolph / Atlanta Olympics bombing investigation, the Oklahoma City bombing investigation and numerous classified national security initiatives. He has acted as a consultant for NBC News/Dateline, Fox Financial News, WRAL-TV, and the Discovery Channel.

Mr. Drdak specializes in performing polygraph examinations in difficult cases where successful results are critical and experience, credibility, and knowledge are paramount. He has conducted polygraph examinations for prominent law firms, Fortune 500 corporations, and major law enforcement agencies in North and South Carolina. He has extensive experience performing polygraph examinations in capital cases and sex related criminal matters as well as sophisticated white collar crime investigations.